

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 11, 1954
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor McAden presiding.

Roll Call:

Present: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Absent: None

Present also: W. E. Seaholm, City Manager; W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works.

Invocation was delivered by REV. C. W. HALL, Wesley Bible Chair.

MR. D. W. SAUER, 4519 Avenue D, and MR. R. C. OWENS, appeared before the Council regarding drainage in the 4500 block on Avenue D. They did not want to go into the paving program until the drainage was corrected. The Director of Public Works stated the creek in this area needed to be deepened, but the private owners had not cooperated in this respect; however in this particular instance, there was to be a storm sewer to be placed across Avenue D emptying into the creek, the storm sewer depending upon the paving. MR. SAUER felt that would help the situation a lot. It was stated the storm sewer would be installed some 30 days after the easements were obtained. MR. SAUER was asked to explain to the people in the area the importance of signing the easements and going into the paving program.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the erection of a boat dock with observation deck on the property owned by Thomas M. French and located downstream from the westerly extension of the south line of Windsor Road, the same being the north 120 feet of the Willard Deason Tract and locally known as 2509 Scenic Drive, and hereby authorizes the said Thomas M. French to construct, maintain and operate this private boat dock with observation deck

subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock with observation deck after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said Thomas M. French has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"February 11, 1954

"Mr. Walter E. Seaholm
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Thomas M. French, owner of a piece of property located downstream from the westerly extension of the south line of Windsor Road, the same being the north 120 feet of the Willard Deason Tract and locally known as 2509 Scenic Drive, for permission to construct a boat dock with observation deck projecting out into the lake approximately 24 feet beyond the normal high water level. The construction details meeting all requirements, I therefore recommend that if Thomas M. French is granted his request by the City Council, that it be subject to the following conditions:

"(1). That nothing but creosoted piles, cedar piles or concrete piles, substantially braced to withstand wind and water pressure, be used in the construction and that no structure shall be nearer than ten feet to any side property line of the owner or applicant.

"(2). That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3). That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4). That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

MR. ELMER DENSON inquired about the opening of Anderson Lane; as he had written a letter to the Council offering to dedicate some property for Anderson Lane; and that Mr. McClure and Mr. Patterson had offered to dedicate the right-of-way for Anderson Lane just 250' up. The City Manager explained that Mr. Denson had offered to dedicate a part of it, but the rest would have to be purchased out of a subdivision. Councilman White inquired if this were out of the City Limits; and if the County had accepted the dedication. Councilman Long suggested the matter be taken up before the Planning Commission.

MR. VERNON COOK stated the City had a half of mile of thoroughfare whereas the County had two or three miles, and he asked if the City could take care of its five or six blocks if the County would take care of the miles. He stated he had dedicated 80' through his subdivision. Councilman Pearson suggested that the City Manager gather the information and report back to the Council on the status of this.

MRS. MAUDE PRIDGEON asked that the City consider her request to change the name of East Avenue to Broadway. The Mayor stated the Council would take it under advisement, and complimented Mrs. Pridgeon on her effort. Councilman Pearson stated he would be happy to vote on it two weeks from today and either change the name or not change it.

MR. ARTHUR DEWITTY introduced a group appearing in support of the Travis County Voters League's request of two weeks previous. MRS. JOHNNIE RICE represented the City Federation of Women's Clubs in the endorsement and MR. MARCUS COOPER, JR., submitted petitions from various churches to show that those people were in accord with the Travis County Voters League. Councilman Pearson submitted the following for consideration:

"I would like to offer a resolution that this Council appoint an East Austin Development Committee consisting of:

Mr. Tom Miller, Sr. Chairman

Mr. Tom Beverly	Mr. George A. Callahan
Mr. Dave Longoria	Mr. R. M. Bautista
Rev. M. H. Van Hoose	Mr. Theo Youngblood
Mr. Tom Graham	Mr. Martin Kermacy
Mr. Howard Kuhlman	Mr. E. W. Jackson
Mr. Werner Dornberger	

"The objectives of this committee will be as follows:

- "1. To make a study and set up a Master Plan for improving homes and living conditions in this area.
- "2. Study all sanitary conditions and recommend how they could be improved.
- "3. Try to coordinate a program through community participation to set up an example area.
- "4. Attempt to interest church and civic organizations in assuming the responsibility in working toward beautifying various blocks.

- "5. Attempt to work a solution on how we could condemn unlivable homes and make owners improve them to living standards or remove them as rental property.
- "6. To coordinate a program to promote harmony among all citizens of Austin.

"I recommend that this committee be appointed to function for six months and that they report back to this Council as rapidly as possible their recommendations."

Councilman White felt that the Council should be given a chance to study this and appoint the names and asked that this be delayed. Councilman Long felt that when a group made a request, that they should have a representative on the Committee; Mr. Charles Sandahl spoke in support of the request of the Travis County Voters League's request. Councilman Thompson stated this was a problem of great scope and he intended to do some serious studying about it. He suggested a special session for the appointment of the committee. Mr. Sandahl suggested that the Council suggest three people each, and that Mr. Dewitty's group have an opportunity of suggesting some names. Mr. Harold Branch submitted a list of names submitted by the Travis County Voters League to comprise an Advisory Committee on Slum Eradication. Mr. M. H. Crockett was opposed to any Committee in this manner. Councilman White was in favor of such a committee and thought it could be given a trial. Mr. L. G. Jolly, 2939 East 12th Street asked the Council to consider the request that they were asking. Mrs. Lombard stated the group was not forcing the issue.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mrs. F. G. Fisk has made application in writing for permission to use and maintain in her residence a day nursery school, complying with all City and State regulations, on Lot 16 and the south 1/2 of Lot 15, Block 9, Rosedale "C", in the City of Austin, Travis County, Texas, the same being on the east side of Ramsey Avenue and locally known as 4301 Ramsey Avenue, which property is located in an "A" Residence District and under Section #4, Item 13a of the Zoning Ordinance requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin, therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT permission for the use and maintenance of a day nursery school at the location described above be granted to Mrs. F. G. Fisk.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "U", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT, ON PORTIONS OF LOT 2, BLOCK 6, GEORGE L. ROBERTSON SUBDIVISION OF OUTFLOT 56, DIVISION "B", IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the ordinance had been finally passed.

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "E", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY

OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "C" COMMERCIAL AND FIRST HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT ON LOT 10, BLOCK I, DIVISION "B", BUTLOT 34, LOCALLY KNOWN AS 1211 CHICON STREET IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the ordinance had been finally passed.

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY

CHANGING THE USE DESIGNATION FROM "A" RESIDENTIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT ON A RECTANGULAR TRACT OF LAND FRONTING 1100 FEET ON ANDERSON LANE AND CONTAINING APPROXIMATELY 3.74 ACRES, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the ordinance had been finally passed.

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED: "AN ORDINANCE PRESCRIBING REGULATORY MEASURES PERTAINING TO ELECTRICAL WORK IN THE CITY OF AUSTIN; CREATING AN ELECTRICAL BOARD AND PROVIDING FOR APPOINTMENT OF ITS MEMBERS, AND FIXING THE DUTIES AND POWERS OF SAID BOARD; PROVIDING FOR APPEAL FROM THE DECISIONS OF SAID BOARD; PROVIDING FOR THE ISSUANCE OF LICENSES TO MASTER ELECTRICIANS, BUILDING OWNERS, SIGN MANUFACTURERS, ELEVATOR CONTRACTORS, MOTION PICTURE OPERATORS, REPAIR SERVICES, EQUIPMENT MANUFACTURERS, SPECIALIZED SERVICES AND MAINTENANCE ELECTRICIANS; PROVIDING FOR FEES, BONDS AND THE KEEPING OF RECORDS, AND FOR THE REVOCATION OF LICENSES AND CERTIFICATES; PROVIDING FOR ELECTRICAL INSPECTORS AND PRESCRIBING THE DUTIES AND POWERS OF SAID OFFICERS; PROVIDING FOR THE ISSUANCE OF PERMITS FOR ELECTRICAL WORK AND THE INSPECTION THEREOF AND FIXING THE FEES FOR SUCH INSPECTION; PROMULGATING RULES AND REGULATIONS TO GOVERN ALL ELECTRICAL WIRING, CONSTRUCTION, INSTALLATION,

ALTERATIONS, REPAIRS, OPERATION AND MAINTENANCE OF ELECTRICAL WIRING APPARATUS AND FIXTURES; REGULATING THE OPERATION OF MOTION PICTURE PROJECTORS AND MAINTENANCE OF MOTION PICTURE PROJECTION BOOTHS; PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; REPEALING CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON APRIL 12, 1951, AND IS RECORDED IN BOOK "Q", PAGES 227-256, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING ARTICLE I, SECTION 1, PARAGRAPH (m) RELATING TO THE DEFINITION OF THE NATIONAL ELECTRICAL CODE; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a release of the paving lien on the south one-half of Lot 8, Block 169, in the City of Austin, Travis County, Texas, in consideration of the full payment of such paving assessment against such property by Ed Hauke and wife, Alice Hauke, the apparent owners.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Mayor McAden introduced the following ordinance:

AN ORDINANCE MAKING CERTAIN FINDINGS; AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN GENERAL OBLIGATION, CURRENT FUND NOTES TO PROVIDE IMMEDIATE FUNDS FOR THE CONSTRUCTION OF CERTAIN CAPITAL PUBLIC IMPROVEMENTS, TO BE PAID FROM CURRENT FUNDS OF THE CITY; APPROPRIATING THE FUNDS FOR PAYMENT THEREOF; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Thompson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Pearson, Thompson, White, Mayor McAden
Noes: Councilman Long

The ordinance was read the second time and Councilman Thompson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Pearson, Thompson, White, Mayor McAden
Noes: Councilman Long

The ordinance was read the third time and Councilman Thompson moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Pearson, Thompson, White, Mayor McAden
Noes: Councilman Long

The Mayor announced the ordinance had been finally passed.

Councilman Long made the following statement regarding her vote:

"I feel that it is very dangerous for the City of Austin to make commitments prior to getting money for the projects that they want to do. I feel that our estimates have been off on income and outgo; our estimates have been off when projects would be completed. I do not think that is good. I think the City administration is going to have to make better estimates in the future unless the City of Austin goes so deep in debt that we will not be able to borrow money on a temporary basis. We were told prior to the passage of this bond issue that the City would have to go into debt for 30-60-120 days; and it was felt that if the bond issue did not pass that possibly we would have to borrow money to get by on for the next three months. I am disappointed that we did have to go in debt in that fashion. I do not like that kind of administering of the city's affairs. Therefore, I am compelled to vote 'No'."

Councilman Pearson made the following statement regarding his vote:

"From the day we started serving on this Council, we were told that the Water Plant that you voted to construct was \$1,500,000 short of the bond money available to build. We were informed

all along that we were going to either have to cut the budget completely back in 1954 or get a new bond election to continue the projects. The projects were started before my administration. We voted on some of them afterwards. This is no different from a business firm borrowing money for a few days until necessary funds are available, and I do not like for you to insinuate that we have not been informed on it. I feel that we have. My interest in the matter is to keep the record straight, and I do not like for the people of Austin to be misled."

Councilman Thompson made the following statement regarding his vote:

"All of the controversy to the point that the management of the City has not been properly handled in reporting to the Council notwithstanding, we find ourselves in a position where we must do some borrowing. We must act as managers and Board of Directors of this City in the interest of this City; and each Council member is charged with the responsibility of doing what is necessary to do for the protection of the interest of all the people of this town. We are down to a place where we are out of money and we have to borrow it. We either borrow money and go on with the affairs of the City, or we get into a wrangle and do not borrow any money and do not pay our bills and do not meet our payrolls and cause a tremendous turmoil in this town and tear ourselves wide apart or we do what any prudent businessman would do and go on and borrow the money and conduct the business. As it is the responsibility of these Councilmembers to conduct the business of this City on a business-like basis, I vote 'Aye' to go ahead with this borrowing."

Councilman White made the following statement regarding his vote:

"I, too, under the circumstances, will have to vote 'aye' because it is a necessity because it is something we have gotten into and it has to be paid, and that seems to be the only way to get the money and to pay for it is to borrow. I am like Mrs. Long, I hate to spend a lot of money when we do not have the money; but in this case, we have to pay for these projects. It is a must, and I will have to vote 'aye'."

The Mayor voted "aye" with the following statement:

"This money is to replace the money in the General Fund that we have used to advance some of these various things that went into this project."

Councilman White stated people had been asking him why the City borrowed the full amount when the Mayor kept saying it would only need about 2/3 of the amount. It was explained the credit had been established up to that amount and if it were not needed, the money would not be borrowed. Councilman Thompson asked that the press and radio clarify this for the people; that the money would be borrowed when needed and interest would be paid only for the time it was used. He complimented the Banks in their service to the City in this particular manner.

Councilman White asked that the contractors should get their permission for sidewalk and street working spaces before they started building. Councilman Long suggested as long as these met specifications and were approved by the City Manager that the Council approve them later. Councilman Thompson stated a policy set up in this manner would not delay the construction. Councilman White moved that the City Manager be given authority to go ahead and issue these permits in the future so long as everything was in order and comes up to his recommendations, pending action of the Council, and except in exceptional cases. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Q. S. Franks is the Contractor for the demolition of a building located at 315 Guadalupe Street and desires a portion of the sidewalk and street space abutting Lot 8, Block 25, of the Original City of Austin, Travis County, Texas, during the demolition of the building, such space to be used in the work and for the storage of materials therefore; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Q. S. Franks, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Guadalupe Street to a point 12 feet west of the east curb line; thence in a southerly direction and parallel with the centerline of Guadalupe Street approximately 128 feet to a point; thence in an easterly direction and at right angles to the centerline of Guadalupe Street to the southwest corner of the above described property;

Thence in a southerly direction and at right angles to the centerline of the alley 10 feet to a point; thence in an easterly direction and parallel to the centerline of the alley to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Q. S. Franks, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall construct a four-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least four feet high and substantially braced and anchored and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the

walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2). That the Contractor shall construct in the alley a guard rail within the boundary lines of the above described space, such guard rail to be at least four feet high and substantially brace and anchored.

(3). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(4). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(5). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(6). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than June 1, 1954.

(7). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(8). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(9). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary, for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(10). That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Thompson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council: therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in FINLEY DRIVE, from a point 14 feet north of West 49th Street, northerly 89 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said FINLEY DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in SWANEE DRIVE, from Guadalupe Street, westerly 213 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said SWANEE DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in MEDICAL ARTS SQUARE, from Red River Street, easterly, southerly, westerly and northerly 2 feet off of the property line of said MEDICAL ARTS SQUARE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main across INTERREGIONAL HIGHWAY INTERSECTION, from a point 24 feet east of the west property line of East Avenue, and 3 feet north of the south property line of River Street, easterly to a point 6 feet north of the south property line of Holly Street at the east property line of Interregional Highway, thence northeasterly 28 feet to existing main.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that

greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

WHAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Thompson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Director of Public Works; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground telephone conduits in the following streets:

(1) An underground telephone conduit across ST ELMO ROAD at South 2nd Street, the centerline of which underground telephone conduit shall be 1 foot east of and parallel to the west property line of said ST. ELMO ROAD.

(2) An underground telephone conduit across INTER-REGIONAL HIGHWAY from the west property line of East Avenue Alley north of Lambie Street, easterly to Lambie Street Alley at the east property line of San Marcos Street.

THAT the work and construction of said underground telephone conduits, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such

construction.

The motion, seconded by Councilman Long, carried by the following vote:
 Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
 Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its telephone pole line in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Director of Public Works; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its telephone pole line in the following streets:

(1) A telephone pole line in INTERREGIONAL HIGHWAY, from Clermont Street to East Avenue Alley, the centerline of which telephone pole line shall be 1 foot east of and parallel to the west property line of said INTERREGIONAL HIGHWAY.

THAT the work and construction of said telephone pole line, including the excavation of the streets and the restoration and maintenance of said streets after said telephone pole line has been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The motion, seconded by Councilman Pearson, carried by the following vote:
 Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
 Noes: None

Councilman White inspected the property north of Terrace Drive and west of Newning Avenue and talked to the property owners who had petitioned that the drive be closed. Mayor McAden introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING THAT CERTAIN DRIVEWAY EIGHTEEN TO TWENTY FEET IN WIDTH NORTHERLY FROM TERRACE DRIVE THENCE EASTERLY TO NEWNING AVENUE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE ORDINANCE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
 Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
 Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the ordinance had been finally passed.

No action was taken on seven tax adjustments pending. The Council decided to pass on them the following week and referred them to the City Manager for clarification.

The Council set the following applications for change of zoning for public hearing at 11:00 A.M., March 11, 1954:

DR. WILLIAM SHIVE, et al	3406 Jefferson St. Pt. of Geo. W. Spear League No. 7, fronting 90' on the west line of Jefferson St.	From "C-1" Commercial To "C" Commercial NOT Recommended by the Planning Commission
ADA MAY NEAL	414 Clark Street Pt. of Lot 10, Fort- view Addition	From "A" Residence To "B" Residence NOT Recommended by the Planning Commission
CODY WALKER	8617 Burnet Road Lot 9, Blk C, Bowling Green Subd.	From "A" Residence To "C-2" Commercial NOT Recommended by the Planning Commission
HENRY A. HABEEB	815 Capitol Court Lot 26, N.A. Ladd Addition	From "A" Residence 1st Height and Area To "C" Commercial 6th Height and Area NOT Recommended by the Planning Commission
WILLIAM JOSEPH	5536 Lamar Blvd. Rectangular tract 100' x 150' out of Geo. W. Spear League	From "C-1" Commercial To "C-2" Commercial NOT Recommended by the Planning Commission

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property situated on the west side of South Congress Avenue as a private gasoline plant,

which property is owned by Tribble Adv. Company and is designated as Lots 12 and 13, Newning's Resub. of Block 13, Swisher Addition, in the City of Austin, Travis County, Texas, and hereby authorizes the said Tribble Adv. Company to operate a private gasoline plant consisting of a 550-gallon underground tank and pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Tribble Adv. Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
February 11, 1954

"Mr. Walter E. Seaholm
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Tribble Advertising Company for permission to operate a private gasoline plant consisting of a 550-gallon underground tank and pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the west side of South Congress Avenue, which property is designated as Lots 12 and 13, Newning's Resub. of Block 13, in Swisher Addition, in the City of Austin, Travis County, Texas, and locally known as 1300 South Congress Avenue.

This property is located in a "C-1" Commercial District and I recommend that this permit be granted subject to the following conditions:

(1). That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2). That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street or alley.

"(3). That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4). That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Council received notice from the City Manager that the following applications for change of zoning had been referred to the Plan Commission:

ROBERT L. ALLEN	608-10 Kawnee St.	From "A" Residence To 1st Height & Area To "B" Residence 6th Height and Area
J. H. BERRYMAN	5213-15 Avenue F & 201-03 East 53rd Street	From "A" Residence 1st Height and Area To "C" Commercial 6th Height and Area
M. L. LILES	5413-17 Interregional Hwy. & 5405-08 Cameron Road.	From "A" Residence 1st Height and Area To "C" Commercial 6th Height and Area

The City Manager submitted a map showing property owned by the City on Tumey and Jessie Streets. He stated part of the property was occupied by the Red Cross Building, and part of it was vacant. He had an offer from a gentleman to remove the debris from the vacant part, grade it, reserve 60' for parking area for the Red Cross and lease the rest of it, which he wanted to fence. He would pay \$75.00 a month for five years. Councilman White moved that the City Manager be authorized to make this lease. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the Council would meet with the Planning Commission at 8:00 P.M., Tuesday, the 16th instead of the morning date -- 10:00 A.M.

Councilman Pearson suggested that the Council meet and make the appointments to the various Boards and Committees. Councilman Thompson suggested that the meeting be delayed until after the meeting with the Plan Commission. Councilman Long thought the Planning Commission would be happy to have the vacancy on that commission filled. The Mayor announced that MR. TOM GRAHAM had stated he would stay on until June.

Councilman White inquired about Woodland; if it had been opened all the way through. It was stated it was opened all the way to Parker Lane and the barricade had been removed.

Councilman White inquired about the arrow on South Congress and Monroe. The City Manager stated he was getting up a recommendation regarding this signalization.

Councilman Long stated there was money set up to purchase land for parks, but no purchases were being made, and she suggested setting up a committee of the Council and Park and Recreation Board to make a study of these park lands and recommend back to the Council. The Mayor stated some work was being done about this and he had a recommendation to make shortly.

There being no further business the Council adjourned at 12:15 P. M. subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


City Clerk